




# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 11/04/2013 (Per: MGG)

### **Compile Draft – Appendix C**

**Appendix A**  The 2013 drafting file for LRB-3187

**Appendix B**  The 2013 drafting file for LRB-3195

**Appendix C**  The 2013 drafting file for LRB-3199

**Appendix D**  The 2013 drafting file for LRB-3273

(all Rep. Mursau drafts)

have been copied/added to the drafting file for

**2013 LRB-3547**

**2013 DRAFTING REQUEST**

**Bill**

Received: **9/19/2013** Received By: **mglass**  
Wanted: **As time permits** Same as LRB:  
For: **Jeffrey Mursau (608) 266-3780** By/Representing: **Himself**  
May Contact: Drafter: **mglass**  
Subject: **Nat. Res. - parks and forestry** Addl. Drafters:  
Extra Copies: **RNK**

Submit via email: **YES**  
Requester's email: **Rep.Mursau@legis.wisconsin.gov**  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Managed forest law revisions by the council on forestry; department oversight and administration

**Instructions:**

See attached Items# 20, 21, 22, 23,24

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>    | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>   | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|--------------------|-----------------------|----------------|--------------------|-----------------|-----------------|
| /?           | mglass<br>9/24/2013 |                    |                       | _____          |                    |                 |                 |
| /P1          |                     | evinz<br>10/1/2013 | rschluet<br>10/1/2013 | _____          | srose<br>10/1/2013 |                 |                 |

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

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**Pre Topic:**

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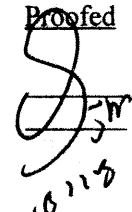
**Topic:**

Managed forest law revisions by the council on forestry; department oversight and administration ✓

**Instructions:**

See attached Items# 20, 21, 22, 23,24

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|--------------|----------------|-------------------|-------------------|---|------------------|-----------------|-----------------|
| 1/?          | mglass         | pl eev<br>10/1/13 | pl eev<br>10/1/13 |  |                  |                 |                 |

FE Sent For:

<END>

## DNR Oversight

*MB* **Proposed Revision 20:** Modify DNR oversight in on-the-ground management for certified large owners.

*done*

**Current Situation:** MFL landowners are required to submit a cutting notice at least 30 days prior to cutting. DNR Foresters review the cutting notice and approve or deny the cutting plan within 30 days. Review of the cutting notice may, and often does, include a DNR forester site visit to the property.

**Proposed Modifications:** The intent of this modification is to clarify recognition that DNR designated large landowners with professional forest management staff and that are third party certified are not required to have each and every harvest approved via the current cutting notice process. As presented here it is contingent on the DNR establishing a credible audit procedure to assure management occurring on MFL lands meets the program intent of sound forest management as defined in Wis. Stat. § 77.80.

**Retroactive:** This provision would be retroactive and affect all large landowners who are 3<sup>rd</sup> party certified.

**Conclusion:** The CoF agreed to move this issue forward for legislative consideration with the understanding DNR and large landowners are able to work to streamline a process focusing on an outcome based approach model and allow DNR authority to assure MFL compliance.

*77.80(1b)*

## Administration

**Proposed Revision 21:** Eliminate the study requirement for the MFL program after 5 years of its existence.

**Current Situation:** The requirement for a review of the MFL program after 5 years of MFL program has been completed.

*done* **Proposed Modifications:** This provision cleans up wording that is no longer pertinent.

**Prospective/Retrospective:** NA

**Conclusion:** The CoF agreed to move this issue forward for legislative consideration.

**Proposed Revision 22:** Update the provision for DNR to report to the legislature on the number of exempt withdrawals. Remove references to WTL and include references to tribal lands for FCL lands.

*done* **Current Situation:** DNR is required to report to the legislature the amount of lands that are withdrawn from MFL, Forest Crop Law (FCL) and Woodland Tax Law (WTL) as an exempt withdrawal if the number of withdrawals exceeds 1% of the total acreage of lands in the programs.

**Proposed Modifications:** This provision needs updating to reflect the ending of the WTL program and the beginning of the exempt withdrawal for tribal lands for lands owned by the tribes in FCL, similar to the Wis. Stat. s. 77.885 MFL provisions.

**Prospective/Retrospective:** NA

**Conclusion:** The CoF agreed to move this issue forward for legislative consideration.

*done* **Proposed Revision 23:** Eliminate statutory provisions related to Woodland Tax Law

**Current Situation:** The Woodland Tax Law (WTL) has expired with the last WTLs expiring on December 31, 2001. Statutes continue to reference WTL and should be updated.

**Proposed Modifications:** Eliminate statutory provisions related to WTL.

**Prospective/Retrospective:** NA

**Conclusion:** The CoF agreed to move this issue forward for legislative consideration.

***Proposed Revision 24:*** Eliminate wording that directs the department to order MFL land withdrawn at the expiration of an MFL order period.

***Current Situation:*** DNR notifies local municipalities of lands that have expired from the MFL program similar to the expiration notices used for Forest Crop Law (FCL). DNR has not issued formal Orders of Expiration, however; DNR does notify local municipalities of lands expiring from MFL, similar to FCL expirations. Municipalities are accustomed to receiving these types of notices from DNR, so keeping the notifications similar for both programs is important. This provision allows DNR to continue using current processes rather than the formal Order of Expiration process.

***Proposed Modifications:*** DNR would be required to provide a list of lands expiring from the MFL program similar to the notification provided for the FCL program

***Prospective/Retrospective:*** NA

***Conclusion:*** The CoF agreed to move this issue forward for legislative consideration.

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**Gibson-Glass, Mary**

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**From:** Mather, Robert J - DNR <Robert.Mather@wisconsin.gov>  
**Sent:** Tuesday, September 24, 2013 9:13 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Nelson, Kathryn J - DNR; Potvin, Nicole R - DNR  
**Subject:** FW: Drafting the recommendations of the council of forestry

Hi Mary,

Regarding MFL, 3<sup>rd</sup> party certification means that a forest has received a label of approval from someone other than the landowner, supplier or consumer that the business practices or management, or the product has been sustainably grown and meets certain criteria of environmental and social responsibility. The 3<sup>rd</sup> party is someone who has nothing to gain from the growing, buying or selling of the product, and whose only role is to evaluate whether the business practices or management or the product meet the certification criteria.

There are several kinds of certifications, each with their own certification criteria. The certifications that the MFL program currently has are Tree Farm and Forest Stewardship Council. You can find more information about forest certification at <http://dnr.wi.gov/topic/TimberSales/certification.html>.

There are no references to 3<sup>rd</sup> party certification in statute or administrative code since forest certification is a voluntary program not tied to enrollment or continued eligibility of the MFL program. You'll likely need to develop a definition of 3<sup>rd</sup> party certification under s.77.81, Stats. and to make it loose enough so that it would encompass other certification systems if new ones are developed in the future. Please feel free to bounce some draft definitions off me.

I hope that this helps. If not, please let me know.

Thanks,  
Bob

**Robert J. Mather**

Director, Bureau of Forest Management  
Wisconsin Department of Natural Resources  
101 S Webster St., PO Box 7921  
Madison, WI 53707-7921  
Office: 608-266-1727  
Fax: 608-266-8576  
E-Mail: [Robert.Mather@Wisconsin.gov](mailto:Robert.Mather@Wisconsin.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

We are committed to service excellence.  
Visit our survey at <http://dnr.wi.gov/u/?q=33>  
to evaluate how I did.

---

**From:** Gibson-Glass, Mary [<mailto:Mary.Gibson-Glass@legis.wisconsin.gov>]  
**Sent:** Friday, September 20, 2013 11:42 AM

**To:** Nelson, Kathryn J - DNR

**Subject:** Drafting the recommendations of the council of forestry

Hi Kathy-

Robin Kite and I will be the 2 main drafters on this draft. We will be doing it in various packages, each package will have a different LRB # and each will contain for the most part the items under a particular subheading in the report (eg. Eligibility; Management and Management Plans).

I am sure both of us will have numerous questions.

Here is my first one:

In Proposed Revision #20: What is does being "3" party certified" mean? Is there a reference to this in the statutes or the administrative code?

Thanks,

Mary

Mary Gibson-Glass  
Senior Legislative Attorney  
Legislative Reference Bureau  
608 267 3215





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3199/2

MGG:.....

D-N

soon

in  
9/24

cel

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAJ  
xref

withdrawal of forest croplands that are held in trust  
for Indian tribes,  
tribes

gen cat

and the forest cropland program,

- 1 AN ACT **relating to:** regulation of cutting of timber on managed forest land,  
2 study of the managed forest land program, a report on exempt withdrawals  
3 from the managed forest land program, elimination of the woodland tax law,  
4 and  
A expiration of orders designating managed forest land.

***Analysis by the Legislative Reference Bureau***

✓ This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 5 SECTION 1. 74.23 (1) (a) 2. of the statutes is amended to read:  
6 74.23 (1) (a) 2. Pay to the proper treasurer all collections of special  
7 assessments, special charges and special taxes, except that occupational taxes under  
8 ss. 70.40 to 70.421 and forest cropland, woodland and managed forest land taxes  
9 under ch. 77 shall be settled for under s. 74.25 (1) (a) 1. to 8.

X

1           **SECTION 2.** 74.25 (1) (a) 2. of the statutes is amended to read:

2           74.25 (1) (a) 2. Pay to the proper treasurer all collections of special  
3           assessments, special charges and special taxes, except that occupational taxes under  
4           ss. 70.40 to 70.421 and forest cropland, ~~woodland~~ <sup>plain</sup> and managed forest land taxes  
5           under ch. 77 shall be settled for under subds. 5. to 8.

History: 1987 a. 378; 1989 a. 56, 104; 1991 <sup>X</sup> a. 39; 2001 a. 16; 2003 a. 33, 228; 2005 a. 241, 418; 2007 a. 97; 2009 a. 171.

6           **SECTION 3.** 74.25 (1) (a) 3. of the statutes is amended to read:

7           74.25 (1) (a) 3. Retain all collections of special assessments, special charges and  
8           special taxes due to the taxation district, except that occupational taxes under ss.  
9           70.40 to 70.421 and forest cropland, ~~woodland~~ <sup>plain</sup> and managed forest land taxes under  
10          ch. 77 shall be settled for under subds. 5. to 8.

History: 1987 a. 378; 1989 a. 56, 104; 1991 <sup>X</sup> a. 39; 2001 a. 16; 2003 a. 33, 228; 2005 a. 241, 418; 2007 a. 97; 2009 a. 171.

11          **SECTION 4.** 74.25 (1) (a) 8. of the statutes is amended to read:

12          74.25 (1) (a) 8. Retain for the taxation district ~~all woodland tax law collections~~  
13          ~~under s. 77.16~~ and 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
14          (2) (a) and (am).

History: 1987 a. 378; 1989 a. 56, 104; 1991 <sup>X</sup> a. 39; 2001 a. 16; 2003 a. 33, 228; 2005 a. 241, 418; 2007 a. 97; 2009 a. 171.

15          **SECTION 5.** 74.30 (1) (b) of the statutes is amended to read:

16          74.30 (1) (b) Pay to the proper treasurer all collections of special assessments,  
17          special charges and special taxes, except that occupational taxes under ss. 70.40 to  
18          70.421 and forest cropland, ~~woodland~~ <sup>plain</sup> and managed forest land taxes under ch. 77  
19          shall be settled for under pars. (e) to (h).

History: 1987 a. 378; 1991 a. 39; 1995 a. 408 <sup>X</sup>; 2001 a. 16; 2003 a. 33, 228; 2005 a. 241, 418; 2007 a. 97; 2009 a. 171.

20          **SECTION 6.** 74.30 (1) (c) of the statutes is amended to read:

21          74.30 (1) (c) Retain all collections of special assessments, special charges and  
22          special taxes due to the taxation district, except that occupational taxes under ss.

1 70.40 to 70.421 and forest cropland, ~~woodland and~~ managed forest land taxes under  
2 ch. 77 shall be settled for under pars. (e) to (h).

History: 1987 a. 378; 1991 a. 39; 1995 a. 40; 2001 a. 16; 2003 a. 33, 228; 2005 a. 241, 418; 2007 a. 97; 2009 a. 171.

3 **SECTION 7.** 74.30 (1) (h) of the statutes is amended to read:

4 74.30 (1) (h) Retain for the taxation district ~~all woodland tax law collections~~  
5 ~~under s. 77.16~~ and 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
6 (2) (a) and (am).

History: 1987 a. 378; 1991 a. 39; 1995 a. 40; 2001 a. 16; 2003 a. 33, 228; 2005 a. 241, 418; 2007 a. 97; 2009 a. 171.

7 **SECTION 8.** 77.16 of the statutes is repealed.

8 **SECTION 9.** 77.17 (1) of the statutes is amended to read:

9 77.17 (1) If the rule is not inconsistent with the contract entered into under s.  
10 77.03 ~~or 77.16~~ (4); or

History: 1989 a. 31.

11 **SECTION 10.** 77.17 (2) of the statutes is amended to read:

12 77.17 (2) If the owner agrees to modify the contract entered into under s. 77.03  
13 ~~or 77.16~~ (4) to require compliance with the rules.

History: 1989 a. 31.

14 **SECTION 11.** 77.86 (title) of the statutes is repealed and recreated to read:

15 77.86 (title) **Cutting practices.**

16 **SECTION 12.** 77.86 (1) (title) of the statutes is renumbered 77.86 (1b) (title) and  
17 amended to read:

18 77.86 (1b) (title) **CUTTING REGULATED PROHIBITED.**

19 **SECTION 13.** 77.86 (1) (a) of the statutes is renumbered 77.86 (1b).

20 **SECTION 14.** 77.86 (1) (b) of the statutes is renumbered 77.86 (1g) (a) and  
21 amended to read:

22 77.86 (1g) (a) Except as provided under sub. ~~subs.~~ (1r) and (6), an owner who  
23 intends to cut merchantable timber on managed forest land shall, at least 30 days

**SECTION 15.** CRJ 77.81 (2r)

77.81 (2r) "Large parcel" means a parcel that is designated as managed forest land and that exceeds 1,000 acres in size.

1 before the cutting is to take place, on a form provided by the department, file a notice  
2 of intent to cut and request approval of the proposed cutting from the department.

3 <sup>X</sup>  
SECTION 15. 77.86 (1) (c) of the statutes is renumbered 77.86 (1g) (b) and  
4 amended to read:

5 77.86 (1g) (b) If the ~~proposed~~ cutting <sup>✓</sup>proposed under par. (a) conforms to the  
6 management plan and is consistent with sound forestry practices, the department  
7 shall approve the request.

8 <sup>X</sup>  
SECTION 16. 77.86 (1) (d) of the statutes is renumbered 77.86 (1g) (c) and  
9 amended to read:

10 77.86 (1g) (c) If the ~~proposed~~ cutting <sup>✓</sup>proposed under par. (a) does not conform  
11 to the management plan or is not consistent with sound forestry practices, the  
12 department shall assist the owner in developing an acceptable proposal before  
13 approving the request.

14 <sup>✓</sup>  
SECTION 17. 77.86 (1g) (title) of the statutes is created to read:

15 77.86 (1g) (title) APPROVAL BY DEPARTMENT.

16 <sup>✓</sup>  
SECTION 18. 77.86 (1r) of the statutes is created to read:

17 77.86 (1r) LARGE PARCELS. If the parcel exceeds 10,000 acres, the owner is  
18 exempt from the requirements under sub. (1g) if the owner employs an organization  
19 to certify that the cutting of timber on the <sup>large</sup>parcel achieves the purposes specified in  
20 s. 77.80. The department shall determine which organizations qualify to certify the  
21 cutting of timber for purposes of this subsection.

22 <sup>X</sup>  
SECTION 19. 77.86 (3) (title) of the statutes is repealed.

23 <sup>X</sup>  
SECTION 20. 77.86 (3) of the statutes is renumbered 77.86 (1g) (d) and amended  
24 to read:

of a large  
parcel

1           77.86 (1g) (d) All cutting specified in the notice under sub. (1)(b) (1g) (a) shall  
2           be commenced within one year after the date the proposed cutting is approved. The  
3           owner shall report to the department the date on which the cutting is commenced.

4           <sup>X</sup>  
SECTION 21. 77.86 (4) of the statutes is amended to read:

5           77.86 (4) REPORTING. Within 30 days after completion of any cutting approved  
6           under this section subject to sub. (1g) or (1r), the owner shall report to the  
7           department, on a form provided by the department, a description of the species of  
8           wood, kind of product and the quantity of each species cut as shown by the scale or  
9           measurement made on the ground as cut, skidded, loaded or delivered, or by tree  
10          scale certified by a forester acceptable to the department if the wood is sold by tree  
11          measurement.

12          <sup>X</sup>  
SECTION 22. 77.86 (5) (a) of the statutes is amended to read:

13          77.86 (5) (a) Any person who fails to file the notice required under sub. (1)(b)  
14          (1g) (a), who fails to file a report as required under sub. (4), or who files a false report  
15          under sub. (4) shall forfeit not more than \$1,000.

16          <sup>X</sup>  
SECTION 23. 77.87 (2) of the statutes is amended to read:

17          77.87 (2) SUPPLEMENTAL YIELD TAX. At any time within one year after a report  
18          is filed under s. 77.86 (4), the department, after notifying the owner and providing  
19          the owner with the opportunity for a hearing, may determine whether the report is  
20          accurate. If the department determines that the quantity of merchantable timber  
21          cut exceeded the amount on which the tax was assessed under sub. (1), the  
22          department shall assess a supplemental yield tax on the additional amount as  
23          provided under sub. (1).

24          <sup>X</sup>  
SECTION 24. 77.88 (title) of the statutes is amended to read:

1           **77.88 (title)   Withdrawal; transfer of ownership; nonrenewal**  
2           **expiration.**

History: 1985 a. 28; 1991 a. 39; 1993 a. 16, 131; 1995 a. 27; 1999 a. 150 s. 672; 2003 a. 228; 2005 a. 64, 299; 2008 a. 186, 365; 2011 a. 20.

3           **SECTION 25.** 77.88 (4) of the statutes is ~~repealed and re~~ created to read:

4           77.88 (4) EXPIRATION OF ORDERS. The department shall maintain a list of orders  
5           designating managed forest lands ~~which~~ <sup>that</sup> have expired. The department shall add a  
6           parcel to the list within 30 days after the date of expiration. For each expired order,  
7           the list shall provide a description of the land and shall identify each municipality  
8           in which the managed forest land is located.

9           **SECTION 26.** 77.88 (4) of the statutes is repealed.

10          **SECTION 27.** 77.883 (3) of the statutes is amended to read:

11          77.883 (3) Section 77.86 (1) (c) and (d) ~~(1g)(a) and (b)~~ <sup>(b) (c)</sup> do not apply to cutting  
12          of timber or another activity on managed forest land if all of the requirements in sub.  
13          (1) (a) to (d) are met.

14          **SECTION 28.** 77.91 (3) of the statutes is repealed.

15          **SECTION 29.** 77.91 (3m) of the statutes is amended to read:

16          77.91 (3m) REPORT TO LEGISLATURE. Beginning with calendar year ~~1992~~ <sup>2013</sup>,  
17          the department shall calculate for each calendar year whether the amount of land  
18          exempt from penalty or tax under s. 77.10 (2) (c), ~~77.16 (11m)~~ <sup>or</sup> 77.88 (8) that is  
19          withdrawn during that calendar year under s. 77.10 ~~or~~ 77.88, or ~~declassified or~~  
20          ~~withdrawn under s. 77.16 (7)~~ <sup>or</sup> 77.885 exceeds 1% of the total amount of land that is  
21          subject to contracts under subch. I or subject to orders under this subchapter on  
22          December 31 of that calendar year. If the amount of withdrawn ~~or classified~~ land that  
23          is so exempt exceeds 1%, the department shall make a report of its calculations to the

- 1 governor and the chief clerk of each house of the legislature for distribution to the
- 2 appropriate standing committees under s. 13.172 (3).

History: 1985 a. 29; 1987 a. 186; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 225; 2003 a. 33; 2009 a. 365.

3 (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3199/P1ins  
MGG:.....

INSERT 1-5

1

2

SECTION 1. 77.10 (2) (d) of the statutes is created to read:

3

4

77.10 (2) (d) Upon request of an Indian tribe, the department shall order the withdrawal of land that is owned in fee ~~and~~ and that is subject to a contract under s.

5

77.03. The land withdrawn is not subjected to the tax payment calculated under par.

6

(a) if all of the following apply:

7

8

1. The Indian tribe provides the department the date of the order to transfer the land to the United States to be held in trust for the tribe.

9

10

11

2. The tribe and the department have in effect a written agreement under which the tribe agrees that the land shall continue to be treated as forest cropland until the date on which the contract under s. 77.03 would have expired.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

P1  
LRB-3199/7dn  
MGG:.....  
eev

date

This draft contains proposed revisions 20, 21, 22, 23, and 24.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

Regarding the report under S. 77.91 (3m): I could  
not include

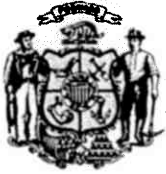
**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3199/P1dn  
MGG:eev:rs

October 1, 2013

This draft contains proposed revisions 20, 21, 22, 23, and 24.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3199/P1  
MGG:eev:rs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to repeal* 77.16, 77.86 (3) (title), 77.88 (4) and 77.91 (3); *to renumber*  
2         77.86 (1) (a); *to renumber and amend* 77.86 (1) (title), 77.86 (1) (b), 77.86 (1)  
3         (c), 77.86 (1) (d) and 77.86 (3); *to amend* 74.23 (1) (a) 2., 74.25 (1) (a) 2., 74.25  
4         (1) (a) 3., 74.25 (1) (a) 8., 74.30 (1) (b), 74.30 (1) (c), 74.30 (1) (h), 77.17 (1), 77.17  
5         (2), 77.86 (4), 77.86 (5) (a), 77.88 (title), 77.883 (3) and 77.91 (3m); *to repeal*  
6         *and recreate* 77.86 (title); and *to create* 77.10 (2) (d), 77.81 (2r), 77.86 (1g)  
7         (title), 77.86 (1r) and 77.88 (4m) of the statutes; **relating to:** regulation of  
8         cutting of timber on managed forest land, withdrawal of forest croplands that  
9         are held in trust for Indian tribes, study of the managed forest land program,  
10        a report on exempt withdrawals from the managed forest land program and the

- 1 forest cropland program, elimination of the woodland tax law, and expiration  
2 of orders designating managed forest land.
- 

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

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8 **SECTION 2.** 74.25 (1) (a) 2. of the statutes is amended to read:

9 74.25 (1) (a) 2. Pay to the proper treasurer all collections of special  
10 assessments, special charges and special taxes, except that occupational taxes under  
11 ss. 70.40 to 70.421 and forest cropland, ~~woodland~~ and managed forest land taxes  
12 under ch. 77 shall be settled for under subds. 5. to 8.

13 **SECTION 3.** 74.25 (1) (a) 3. of the statutes is amended to read:

14 74.25 (1) (a) 3. Retain all collections of special assessments, special charges and  
15 special taxes due to the taxation district, except that occupational taxes under ss.  
16 70.40 to 70.421 and forest cropland, ~~woodland~~ and managed forest land taxes under  
17 ch. 77 shall be settled for under subds. 5. to 8.

18 **SECTION 4.** 74.25 (1) (a) 8. of the statutes is amended to read:

1           74.25 (1) (a) 8. Retain for the taxation district ~~all woodland tax law collections~~  
2     ~~under s. 77.16 and~~ 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
3     (2) (a) and (am).

4           **SECTION 5.** 74.30 (1) (b) of the statutes is amended to read:

5           74.30 (1) (b) Pay to the proper treasurer all collections of special assessments,  
6     special charges and special taxes, except that occupational taxes under ss. 70.40 to  
7     70.421 and forest cropland, ~~woodland~~ and managed forest land taxes under ch. 77  
8     shall be settled for under pars. (e) to (h).

9           **SECTION 6.** 74.30 (1) (c) of the statutes is amended to read:

10          74.30 (1) (c) Retain all collections of special assessments, special charges and  
11     special taxes due to the taxation district, except that occupational taxes under ss.  
12     70.40 to 70.421 and forest cropland, ~~woodland~~ and managed forest land taxes under  
13     ch. 77 shall be settled for under pars. (e) to (h).

14          **SECTION 7.** 74.30 (1) (h) of the statutes is amended to read:

15          74.30 (1) (h) Retain for the taxation district ~~all woodland tax law collections~~  
16     ~~under s. 77.16 and~~ 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
17     (2) (a) and (am).

18          **SECTION 8.** 77.10 (2) (d) of the statutes is created to read:

19          77.10 (2) (d) Upon request of an Indian tribe, the department shall order the  
20     withdrawal of land that is owned in fee and that is subject to a contract under s.  
21     77.03. The land withdrawn is not subjected to the tax payment calculated under par.  
22     (a) if all of the following apply:

23           1. The Indian tribe provides the department the date of the order to transfer  
24     the land to the United States to be held in trust for the tribe.

1           2. The tribe and the department have in effect a written agreement under  
2           which the tribe agrees that the land shall continue to be treated as forest cropland  
3           until the date on which the contract under s. 77.03 would have expired.

4           **SECTION 9.** 77.16 of the statutes is repealed.

5           **SECTION 10.** 77.17 (1) of the statutes is amended to read:

6           77.17 (1) If the rule is not inconsistent with the contract entered into under s.  
7           77.03 ~~or 77.16 (4)~~; or

8           **SECTION 11.** 77.17 (2) of the statutes is amended to read:

9           77.17 (2) If the owner agrees to modify the contract entered into under s. 77.03  
10          ~~or 77.16 (4)~~ to require compliance with the rules.

11          **SECTION 12.** 77.81 (2r) of the statutes is created to read:

12          77.81 (2r) "Large parcel" means a parcel that is designated as managed forest  
13          land and that exceeds 1,000 acres in size.

14          **SECTION 13.** 77.86 (title) of the statutes is repealed and recreated to read:

15          **77.86 (title) Cutting practices.**

16          **SECTION 14.** 77.86 (1) (title) of the statutes is renumbered 77.86 (1b) (title) and  
17          amended to read:

18          77.86 (1b) (title) ~~CUTTING REGULATED~~ PROHIBITED.

19          **SECTION 15.** 77.86 (1) (a) of the statutes is renumbered 77.86 (1b).

20          **SECTION 16.** 77.86 (1) (b) of the statutes is renumbered 77.86 (1g) (a) and  
21          amended to read:

22          77.86 (1g) (a) Except as provided under ~~sub.~~ subs. (1r) and (6), an owner who  
23          intends to cut merchantable timber on managed forest land shall, at least 30 days  
24          before the cutting is to take place, on a form provided by the department, file a notice  
25          of intent to cut and request approval of the proposed cutting from the department.

1       **SECTION 17.** 77.86 (1) (c) of the statutes is renumbered 77.86 (1g) (b) and  
2 amended to read:

3       77.86 (1g) (b) If the ~~proposed~~ cutting proposed under par. (a) conforms to the  
4 management plan and is consistent with sound forestry practices, the department  
5 shall approve the request.

6       **SECTION 18.** 77.86 (1) (d) of the statutes is renumbered 77.86 (1g) (c) and  
7 amended to read:

8       77.86 (1g) (c) If the ~~proposed~~ cutting proposed under par. (a) does not conform  
9 to the management plan or is not consistent with sound forestry practices, the  
10 department shall assist the owner in developing an acceptable proposal before  
11 approving the request.

12       **SECTION 19.** 77.86 (1g) (title) of the statutes is created to read:

13       77.86 (1g) (title) APPROVAL BY DEPARTMENT.

14       **SECTION 20.** 77.86 (1r) of the statutes is created to read:

15       77.86 (1r) LARGE PARCELS. The owner of a large parcel is exempt from the  
16 requirements under sub. (1g) if the owner employs an organization to certify that the  
17 cutting of timber on the large parcel achieves the purposes specified in s. 77.80. The  
18 department shall determine which organizations qualify to certify the cutting of  
19 timber for purposes of this subsection.

20       **SECTION 21.** 77.86 (3) (title) of the statutes is repealed.

21       **SECTION 22.** 77.86 (3) of the statutes is renumbered 77.86 (1g) (d) and amended  
22 to read:

23       77.86 (1g) (d) All cutting specified in the notice under sub. ~~(1)-(b)~~ (1g) (a) shall  
24 be commenced within one year after the date the proposed cutting is approved. The  
25 owner shall report to the department the date on which the cutting is commenced.

1       **SECTION 23.** 77.86 (4) of the statutes is amended to read:

2       77.86 (4) **REPORTING.** Within 30 days after completion of any cutting ~~approved~~  
3 ~~under this section~~ subject to sub. (1g) or (1r), the owner shall report to the  
4 department, on a form provided by the department, a description of the species of  
5 wood, kind of product and the quantity of each species cut as shown by the scale or  
6 measurement made on the ground as cut, skidded, loaded or delivered, or by tree  
7 scale certified by a forester acceptable to the department if the wood is sold by tree  
8 measurement.

9       **SECTION 24.** 77.86 (5) (a) of the statutes is amended to read:

10       77.86 (5) (a) Any person who fails to file the notice required under sub. ~~(1)(b)~~  
11 (1g) (a), who fails to file a report as required under sub. (4), or who files a false report  
12 under sub. (4) shall forfeit not more than \$1,000.

13       **SECTION 25.** 77.88 (title) of the statutes is amended to read:

14       **77.88 (title)   Withdrawal; transfer of ownership; nonrenewal**  
15 **expiration.**

16       **SECTION 26.** 77.88 (4) of the statutes is repealed.

17       **SECTION 27.** 77.88 (4m) of the statutes is created to read:

18       **77.88 (4m) EXPIRATION OF ORDERS.** The department shall maintain a list of  
19 orders designating managed forest lands that have expired. The department shall  
20 add a parcel to the list within 30 days after the date of expiration. For each expired  
21 order, the list shall provide a description of the land and shall identify each  
22 municipality in which the managed forest land is located.

23       **SECTION 28.** 77.883 (3) of the statutes, as created by 2013 Wisconsin Act 1, is  
24 amended to read:



1        77.883 (3) Section 77.86 ~~(1) (e) and (d) (1g) (b) and (c)~~ do not apply to cutting  
2        of timber or another activity on managed forest land if all of the requirements in sub.  
3        (1) (a) to (d) are met.

**4 SECTION 29.** 77.91 (3) of the statutes is repealed.

**5 SECTION 30.** 77.91 (3m) of the statutes is amended to read:

6           **77.91 (3m) REPORT TO LEGISLATURE.** Beginning with calendar year ~~1992~~ **2013**,  
7       the department shall calculate for each calendar year whether the amount of land  
8       exempt from penalty or tax under s. 77.10 (2) (c), ~~77.16 (11m)~~ **or (d)** or 77.88 (8) that  
9       is withdrawn during that calendar year under s. 77.10 ~~or~~ **77.88**, or ~~declassified or~~  
10      ~~withdrawn under s. 77.16 (7)~~ **77.885** exceeds 1% of the total amount of land that is  
11      subject to contracts under subch. I or subject to orders under this subchapter on  
12      December 31 of that calendar year. If the amount of withdrawn ~~or classified~~ land that  
13      is so exempt exceeds 1%, the department shall make a report of its calculations to the  
14      governor and the chief clerk of each house of the legislature for distribution to the  
15      appropriate standing committees under s. 13.172 (3).

16 (END)